

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHARLES FAUNTLEROY,)	
Plaintiff,)	
)	C.A. No. 19-182 Erie
)	
v.)	
)	District Judge Susan Paradise Baxter
MS. CLARK,)	Magistrate Judge Richard A. Lanzillo
Defendant.)	

MEMORANDUM ORDER

Plaintiff Charles Fauntleroy, an inmate incarcerated at the State Correctional Institution at Albion, Pennsylvania (“SCI-Albion”), initiated this *pro se* civil rights action on June 25, 2019, against SCI-Albion’s Correctional School Principal Ms. Clark. The case was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. This matter was subsequently reassigned to the undersigned, as presiding judge, on November 21, 2019, with Judge Lanzillo remaining as the referred Magistrate Judge for all pretrial proceedings.

On December 23, 2019, Defendant filed a motion to dismiss for failure to state a claim [ECF No. 15], to which Plaintiff filed an opposition brief [ECF No. 26]. On July 30, 2020, Judge Lanzillo issued a Magistrate Judge’s Report and Recommendation (“R&R”) recommending that Defendant’s motion to dismiss be granted. [ECF No. 27]. Plaintiff has since filed objections to the R&R, which merely state “Objection: for all the right right [sic] reason” [ECF No. 28].

After *de novo* review of the complaint and documents in the case, together with the report

and recommendation and objections thereto, the following order is entered:

AND NOW, this 3rd day of September, 2020;

IT IS HEREBY ORDERED that Defendant's motion to dismiss [ECF No. 15] is GRANTED and Plaintiff's claims against Defendant are DISMISSED, with prejudice. Furthermore, the Court declines to adopt the Magistrate Judge's recommendation that Plaintiff be afforded the opportunity to file an amended complaint in accordance with the statements made in his "response" [ECF No. 26]. It appears from Plaintiff's "response" that he proposes to bring claims under the First and Fourteenth Amendments against two individuals named "Still" and "Smay," neither of whom are Defendants in this case, while omitting any reference to Defendant Clark, who is the sole Defendant in this case. Thus, it would appear that Plaintiff should be required to file a new case if he intends to pursue new claims against new defendants. Moreover, the purported "allegations" presented in Plaintiff's response provide no evidence of a cognizable claim, rendering any amendment based on such assertions futile.¹ Thus, the report and recommendation of Magistrate Judge Lanzillo, issued July 30, 2020 [ECF No. 27], is adopted as the opinion of the court, as modified herein. The Clerk is directed to mark this case "CLOSED."



SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge

¹

Specifically, Plaintiff offers no facts in support of his proposed claims, but merely states, "the generals spoke on top of D.J. Trump equilibrium preparing him for departure. Nows [sic] the time to stand. Nows [sic] the time to show your true integrity." [ECF No. 26].